

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

| | | |
|---|---|---------------------------------------|
| THE SOUTHERN COMPANY |) | |
| EMPLOYEE SAVINGS PLAN, |) | |
| Plaintiff/Counter Defendant, |) | |
| |) | |
| vs. |) | |
| |) | Civil Action No. 24-00040-KD-N |
| MARY ROBIN COSTA and |) | |
| BRANDI COSTA NOLEN, |) | |
| Defendants/ Counter Claimants, |) | |
| | | |
| BRANDI CHRISTINE NOLEN, |) | |
| Third Party Plaintiff, |) | |
| v. |) | |
| |) | |
| SOUTHERN COMPANY EMPLOYEE |) | |
| SAVINGS PLAN COMMITTEE |) | |
| SOUTHERN COMPANY SERVICES, INC., |) | |
| Third Party Defendant. |) | |

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge, (doc. 71), made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Plaintiff Southern Company Employee Savings Plan's Motion to Dismiss Brandi Christine Nolen's Amended Counterclaim is **GRANTED** in part and **MOOTED** in part.

DONE this 10th day of **January, 2025**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE